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Message Text

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PAGE 01 VIENNA 00296 141549Z
ACTION EUR-12

INFO OCT-01 ISO-00 EB-07 /020 W
----------142115Z 043923 /60
R 141434Z JAN 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 0497
USDOC WASHDC
INFO AMEMBASSY BONN
AMCONSUL FRANKFURT

UNCLAS VIENNA 0296

PASS USDOC WHITELY, TREASURY (USCUSTOMS SERVICE)
BONN AND FRANKFURT FOR US CUSTOMS SERVICE

E.O. 11652: N/A
TAGS: ETRD, AU
SUBJECT: ANTIDUMPING PROCEEDINGS - REOPENING OF INVESTIGATION OF
RAILWAY TRACK MAINTENANCE EQUIPMENT FOR AUSTRIA

REF: STATE 266596

1. SUMMARY. PLASSER AND THEURER (P&T) HAS INITIALLY DECLINED MEETING WITH US CUSTOMS SERVICE RE SUBJECT INVESTIGATION PENDING RECEIPT OF INFORMATION IT REQUESTED ON CASE. VP FOR MARKETING OF US COMPLAINANT (TAMPER) PROPOSES OWN "FACT-FINDING" VISIT HERE. END SUMMARY.

2. ON JANUARY 7 EMBASSY RECEIVED TELEPHONE REQUEST FROM SENIOR US CUSTOMS REP IN FRANKFURT REQUESTING ASSISTANCE IN ARRANGING VISIT BY HIM TO P&T DURING WEEK OF JANUARY 17 TO PRESENT QUESTIONNAIR AND GIVE AUSTRIAN FIRM OPPORTUNITY TO ASK ANY QUESTIONS IT MIGHT HAVE ABOUT SUBJECT INVESTIGATION. IN ACCORDANCE WITH ESTABLISHED PROCEDURES, EMBASSY
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NOTIFIED AUSTRIAN TRADE MINISTRY AND FEDERAL CHAMBER OF COMMERCE RE PROPOSED VISIT. WE ALSO CALLED FIRM TO SET UP APPOINTMENT IN VIEW OF VERY SHORT LEAD TIME. P AND T SALES MANAGER POLTERAUER, AFTER CONSULTING WITH VACATIONING FIRM DIRECTOR EICHINGER, TOLD EMBOFF THAT AUSTRIAN FIRM FELT THAT REOPENING THIS INVESTIGATION WAS UNJUSTIFIED AND NOT IN

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ACCORDANCE WITH GATT RULES. HE ADDED THAT P AND T ALSO UPSET THAT THEIR REQUEST FOR INFORMATION ABOUT NEW COMPLAINT (REPORTEDLY RELAYED TO USG THROUGH TRADE MINISTRY AND AUSTRIAN EMBASSY IN WASHINGTON) HAD NEVER BEEN ANSWERED. UNDER THE CIRCUMSTANCES, HE SAID THAT FIRM, WITH CONCURRENCE OF TRADE MINISTRY, HAD DECIDED IT WOULD NOT BE APPROPRIATE TO MEET AGAIN WITH US CUSTOMS REPS, AT LEAST UNTIL THEIR OWN REQUEST FOR INFORMATION HAD BEEN ANSWERED.

3. EMBOFF THEN QUERIED FRIEDRICH HILLEBRANDT, HEAD OF OFFICE RESPONSIBLE FOR ANTI-DUMPING AFFAIRS IN TRADE MINISTRY. HILLEBRANDT STATED THAT TRADE MINISTRY HAD NOT RPT NOT INSTRUCTED P AND T NOT TO SEE US CUSTOMS OFFICIALS, BUT THAT THEY SYMPATHIZED WITH FIRM'S POSITION AND ITS RELUCTANCE TO MEET UNTIL ITS QUESTIONS HAD BEEN ANSWERED.

4. EMBOFF FOLLOWED UP AGAIN WITH POLTERAUER AND EMPHASIZED PROPOSED MEETING WOULD GIVE FIRM FIRST HAND OPPORTUNITY TO RAISE QUESTIONS AS WELL AS TO PRESENT ITS SIDE OF CASE. AFTER CONSULTING AGAIN WITH EICHINGER, POLTERAUER SAID THAT THEY WERE STILL UNWILLING TO MEET WITH US CUSTOMS UNTIL THEY HAD RECEIVED ANSWERS TO THEIR QUESTIONS. HE ADDED, HOWEVER, THAT EICHINGER WOULD BE WILLING TO DISCUSS MATTER WITH EMBASSY OFFICERS NEXT WEEK AND PERHAPS WOULD ALSO GET IN UNCLASSIFIED

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TOUCH WITH US CUSTOMS IN FRANKFURT BY TELEPHONE.

5. ADDITIONAL FACTOR IN CASE IS PROPOSED VISIT TO VIENNA BY A.F. BYGATE, MARKETING VICE PRESIDENT OF US COMPLAINANT, TAMPER, OF WEST COLUMBIA, SOUTH CAROLINA. IN LETTER TO EMBASSY LAST MONTH, BYGATE REQUESTED EXTENSIVE EMBASSY ASSISTANCE IN CONNECTION WITH HIS PROPOSED "FACT-FINDING TOUR" IN ORDER TO "MORE CLOSELY EVALUATE THE FINANCIAL NATURE OF THIS VERY SERIOUS COMPETITOR (I.E. P&T)". SUBSEQUENT TELEX FROM BYGATE INDICATES DESIRE TO MEET WITH EMBASSY OFFICIALS ON FEBRUARY 4.

6. COMMENT: WE HAVE INFORMED US CUSTOMS FRANKFURT OF SUBSTANCE PARAS 2-5 AND AWAIT THEIR RESPONSE. WE ARE CONCERNED THAT PROPOSED "FACT-FINDING" TRIP BY MR. BYGATE MAY COMPLICATE USG PROCEEDING WITH THIS INCREASINGLY STICKY CASE. WE SUGGEST, THEREFORE, THAT USDOC ADVISE BYDATE THAT WHILE HE

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IS CERTAINLY FREE TO PURSUE HIS OWN INVESTIGATION
IN ANY MANNER HE DEEMS APPROPRIATE
(INCLUDING VISITING VIENNA), WE FEEL STRONGLY THAT
IT WOULD BE BETTER TO WAIT UNTIL OFFICIAL PROCEDURES
HAVE BEEN ABLE TO TAKE THEIR COURSE. SINCE THIS
CASE INVOLVES SEVERAL "FIRSTS" (NOTED IN STATE
266596), AS WELL AS A PROMINENT GATT ISSUE,
WE CONSIDER A CAREFUL APPROACH DESIRABLE. WE WOULD
ALSO APPRECIATE RECEIVING ANY OTHER GUIDANCE
ON THIS CASE, INCLUDING THE STATUS OF THE AUSTRIAN
REQUEST FOR INFORMATION, AND CONFIRMATION OF THE
OWNERSHIP OF TAMPER (WHICH IS REPORTED TO BE
CANADIAN), WHICH MIGHT HELP US IN OUR EFFORTS TO
FACILITATE US CUSTOMS INVESTIGATIONS. BUCHANAN

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Message Attributes

Automatic Decaptioning: X
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Disposition Comment:
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Secure: OPEN
Status: NATIVE
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TAGS: ETRD, AU, US
To: STATE COM
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/ad2271d9-c288-dd11-92da-001cc4696bcc
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